

Application No. 10/688,753  
RCE to FOA of 04/10/2006

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### Remarks

In the present RCE, nine claims (1, 5-7, 10, 13, 15, 19-20) are amended; and one claim (25) is canceled. Claims 1-24 are presented for examination.

### Claim Rejections: 35 USC § 103

Claims 1-25 are rejected under 35 USC § 103 as being unpatentable over USPN 5,940,354 (Inoue). This rejection is traversed.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143. For at least the following reasons, Applicants assert that the rejection does not satisfy these criteria.

The independent claims recite numerous recitations that are not taught or suggested in the art of record. By way of example, independent claim 1 recites "identifying a type of said data cartridge present in said cartridge engaging assembly based on said emitted signal that is reflected from the data cartridge." FIG. 7 of Inoue teaches a sensor 70 that comprises a light emitting unit 71 and a photosensor 72 (12: 8-11). As Inoue explains, "sensor 72 normally receives the light beam from the light emitter 70 and produces a corresponding output the absence of that output functions as a detection signal indicating that the medium 48 has been successfully retrieved by the accessor 28" (12: 26-30). Nowhere does Inoue teach or even suggest that a signal is "reflected" from the data cartridge. Further, nowhere does Inoue teach or suggest that the "type of data cartridge" is identified based on a signal reflected from the data cartridge.

For at least these reasons, independent claim 1 and its dependent claims are allowable over the art of record.

As one example, independent claim 6 recites "identifying a type of the data cartridge present in said cartridge engaging assembly based on a surface characteristic of the data cartridge." Nowhere does the art of record does not teach or suggest identifying a type of data cartridge based a surface characteristic.

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For at least these reasons, independent claim 6 and its dependent claims are allowable over the art of record.

As one example, independent claim 7 recites that a reflected signal is used to both (1) indicate whether a data cartridge is in the receiving means and (2) interpret a bar code on the data cartridge. Nowhere does the art of record does not teach or suggest these recitations.

For at least these reasons, independent claim 7 and its dependent claims are allowable over the art of record.

As another example, independent claim 10 recites identifying a type of the data cartridge based on the signal reflected from the data cartridge. Nowhere does the art of record does not teach or suggest these recitations.

For at least these reasons, independent claim 10 and its dependent claims are allowable over the art of record.

As yet another example, independent claim 15 recites a processor for identifying a type of the data cartridge based on the reflected signal. Nowhere does the art of record does not teach or suggest these recitations.

For at least these reasons, independent claim 15 and its dependent claims are allowable over the art of record.

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**CERTIFICATE UNDER 37 C.F.R. 1.8**

The undersigned hereby certifies that this paper or papers, as described herein, is being transmitted to the United States Patent and Trademark Office facsimile number 571-273-8300 on this 5th day of July, 2006.

By   
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